

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

MARYLN VOGELE,
Charging Party

HRB CASE NO. 0131016394 &
0131016395

-v-

FINAL AGENCY DECISION

MONTANA STATE BOARD OF LAND &
MONTANA DEPARTMENT OF
RESOURCES AND CONSERVATION,
Respondents

Charging Party, Maryln Vogele (Vogele), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in governmental services on the basis of sex. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Vogele's allegations that Respondents, Montana State Board of Land and Montana Department of Natural Resources and Conservation, discriminated against Vogele. The Department issued a Notice of Dismissal. Vogele filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on May 13, 2014. Maryln Vogele appeared and argued on her own behalf. Cory Swanson appeared and argued on behalf of Montana State Board of Land. Brian Bramblett appeared and argued on behalf of Montana Department of Natural Resources and Conservation.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion. Therefore the objection is overruled.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district

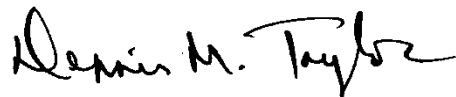
where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA.*

If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. *Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that Maryln Voge's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Montana State Board of Land and Montana Department of Natural Resources and Conservation.

DATED this 15th day of May, 2014.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is written in a cursive, flowing style.

Dennis M. Taylor, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 15th day of May, 2014.

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Annah Smith, Legal Secretary
Montana Human Rights Bureau